

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

THE BIG GREEN EGG, INC.,

Plaintiff,

v.

AIYIXIAO, *et al.*,

Defendants.

Civil Action No. 1:20-cv-04757-TWT

**PLAINTIFF’S MOTION TO EXTEND *EX PARTE*
TEMPORARY RESTRAINING ORDER, ASSET FREEZE
ORDER, AND ORDER TO SHOW CAUSE**

Plaintiff The Big Green Egg, Inc. (“Plaintiff”), by and through undersigned counsel and pursuant to Fed. R. Civ. P. 65(b)(2), hereby moves for entry of an order extending the Temporary Restraining Order, Asset Freeze Order, and Order to Show Cause [DE 9] for an additional fourteen (14) days and postponing the hearing on the preliminary injunction. Plaintiff files the below memorandum in support.

On November 20, 2020, Plaintiff moved for an *ex parte* Temporary Restraining Order, Asset Freeze Order, and Order to Show Cause (“Motion”). [DE 4.] In the Motion, Plaintiff requested that the Court require third party e-commerce Platforms (such as Alibaba, AliExpress, DHGate, and Wish) to provide Plaintiff with email addresses for the Defendants. Plaintiff also requested that Financial

Institutions such as AliPay, ContextLogic, DHPay, and PayPal freeze the Defendants' accounts upon receiving notice of the TRO and Asset Freeze Order. The Court granted Plaintiff's Motion on December 4, 2020, with the TRO scheduled to expire fourteen (14) days later, on December 18. The Court also set a hearing for December 11, 2020 at 2:00 pm on Plaintiff's request for a preliminary injunction. [DE 9.]

Plaintiff's counsel immediately served the TRO via email on the appropriate contacts at the relevant Platforms the same day that it was received from the Court (December 7). The Platforms have confirmed receipt of the documents and are working on taking down the infringing product pages and conducting a one-time freeze of the seller's accounts. However, as of the date of this motion, Plaintiff is still waiting for the Platforms to provide email addresses for the bulk of the Defendants in this case. One Platform has indicated that it may take up to two weeks for it to fully comply with the requirements of the TRO and provide the requested information. Plaintiff's counsel continues to work with the Platforms to obtain compliance. Until the Defendants' email addresses are received, Plaintiff cannot serve them with process or copies of the TRO notifying them of the upcoming preliminary injunction hearing on December 11, two days from the date of this motion.

Under Fed. R. Civ. P. 65(b)(2), the Court may extend the TRO for an additional fourteen (14) days for good cause. Because Plaintiff cannot serve process or a copy of the TRO on all Defendants without the email addresses from the Platforms, good cause exists to grant the instant motion. Plaintiff diligently notified each of the Platforms of the TRO, served them with copies, and provided them with certain requested information in accordance with their procedures. In light of the delay in receiving the Defendants' email addresses, however—which is outside of Plaintiff's control—Plaintiff requests that this Court extend the TRO by an additional fourteen (14) days and re-schedule the hearing on the Order to Show Cause why a Preliminary Injunction should not issue to December 28 or another date convenient for the Court in light of the upcoming holidays.

WHEREFORE, Plaintiff respectfully requests this Court GRANT the subject motion and enter an order extending the TRO for an additional fourteen (14) days and postponing the hearing on the preliminary injunction. A proposed order is attached for the Court's convenience.

Dated: December 9, 2020.

Respectfully submitted,
THE SLADKUS LAW GROUP

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CERTIFICATE OF FONT & SIZE SELECTION

I certify that this paper was prepared with one of the font and point selections approved by the court in LR 5.1B, NDGa.

By: *s/Jason H. Cooper*
Jason H. Cooper